REMARKS

Claims 1-28 are pending. Claims 1, 5, and 7 are independent. No new claims have been added and no claims have been canceled. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1, 5, 7, 11-14, 17-20 and 23-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tanaka et al. (U.S. 6,845,438 B1) in view of Masui et al. (U.S. 2002/0196717 A1). Applicant respectfully traverses this rejection.

Tanaka et al. teaches a memory system that uses a storage medium. More specifically Tanaka discusses providing "a method for controlling a memory system so as to prevent the delimiter of a cluster serving as a basic unit of file management on the DOS from straddling a block serving as a unit of erase, thereby providing a high-speed data writing" (Col 6, lines 37-42). Tanaka is concerned with mapping logical memory blocks to physical memory blocks as part of its file management system.

The present invention relates to a moving image recording apparatus which records photographed moving image data on a recording medium and a method of recording moving images. Tanaka fails to teach a recording medium controller for controlling operation of said recording medium where "said recording medium controller reformatting said recording medium with a high-speed record format suitable for the record of said moving image data when said judgment device judges that said record format is unsuitable for recording said moving image data" (Claim 1). Nothing in Tanaka teaches or suggests the recording medium will be reformatted with a high-speed record format when it is determined that said record format is unsuitable for recording said moving image data (Claim 1). In fact, Tanaka does not teach or suggest reformatting the recording medium at all. Tanaka does say that high-speed data writing is possible with larger cluster sizes, for example, a cluster of 8k but that is already known in the prior art. The present invention teaches reformatting the recording medium so that the cluster size is suitable for high-speed recording. Furthermore, Tanaka fails to teach any determination "that said record format is unsuitable for recording said moving image data" (Claim 1).

The Examiner asserts that Tanaka at Column 24, lines 11-33 describes the invention as claimed in Claim 1. However, Tanaka at Column 24, lines 11-33 only mentions cluster size reciting that "if the cluster size is an integer times as large as the block size and if the cluster delimiter is coincident with the delimiter block size...it is possible to increase the writing speed" (Col 24, lines 11-33). Tanaka fails to disclose, teach or suggest formatting the recording medium to make high-speed writing possible.

The Examiner concedes that Tanaka does not disclose "a judgment device for judging whether a record format of said recording medium is suitable for recording said moving image data" of claim 1, and relies on Masui to allegedly teach this deficiency of Tanaka, pointing to paragraph [0215] of Masui. Applicant respectfully traverses.

Masui is directed to a signal processing apparatus for carrying out predetermined signal processing on a light detection signal received via an information recording medium such as a CD-ROM or DVD-ROM drive. *See paragraph [0003].* The apparatus is designed to address operability issues arising from the use of different kinds of optical disks having different media formats. *See paragraphs [0009] – [0011].* Specifically, Masui teaches a device comprising a signal processing unit 104 which generates at least one servo error signal in order to carry out a focus servo and a track servo operation such that the laser is always irradiated on the recording medium 100 within a certain error range. *See paragraph [0075], Fig. 1.*

The Examiner contends that Masui discloses a judgment device for judging whether a record format of a recording medium is suitable for recording moving image data, and points to paragraph [0215] of Masui as allegedly disclosing this feature. Although Masui appears to teach a "media format judging section" which "judges the type or media format of the recording medium", the disclosed judging section merely determines the format of the optical media being read (i.e., CD-ROM, DVD-ROM, etc.). Masui discloses that, based on the determined media type, the servo error signal can be generated such that it corresponds to the type of media determined by the media format judging section. For example, Masui states that "it is possible to cope with each case by identifying the type of the recording medium and changing the operation coefficient Kv depending on the identified type..." *See paragraph [0215].*

In contrast, the present invention is directed to "a judgment device for judging *whether a record format* of said recording medium *is suitable for recording moving image data*" (Claim 1). Masui not only fails to disclose this feature, the "media format judging section" discussed by Masui is merely a determination as to which type of optical media format is being read, said optical media format relating to the physical structure of the optical media itself (e.g., DVD-ROM has denser data storage than a CD-ROM). No determination is made in Masui as to suitability of a record format of the recording media for any type of data to be recorded onto the media. Therefore, Masui does not disclose a judgment device as claimed. Accordingly, claim 1 is distinguishable from the combination of Tanaka and Masui.

Therefore, the combination of Tanaka and Masui fails to teach or suggest each and every limitation of claim 1. Independent claims 5 and 7 recite features similar to claim 1 and are distinguishable from the prior art at least for the reasons presented above with respect to claim 1. Claims 2-4, 6, and 8-28 depend from claims 1, 5 and 7, directly or indirectly. Therefore, for at least the reasons stated with respect to claim 1, 5 and 7; claims 2-4, 6, and 8-28 are also distinguishable from Tanaka in view of Masui. Applicant submits that claims 1-28 are patentable over the prior art and respectfully request that the rejection of claims 1-28 under §103(a) be withdrawn.

Claims 2-4, 6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tanaka et al. (U.S. 6,845,438 B1) in view of Masui et al. (U.S. 2002/0196717 A1) and in further view of Brown, III et al. (U.S. 6,038,636). Applicant respectfully traverses this rejection.

Brown, III does not remedy the noted deficiencies of Tanaka in view of Masui. Brown, III is only relied upon to teach dependant claim features. This reliance on Brown, III fails to make up for the deficiencies of Tanaka in view of Masui discussed above with respect to independent claims 1, 5 and 7. Therefore, the asserted combination of Tanaka in view of Masui in further view of Brown, III (assuming these references may be combined which applicant' does not admit) fails to establish prima facie obviousness of any pending claim.

Applicant submits that claims 2-4, 6 and 8-10 are allowable at least by their virtue of their dependency on claims 1, 5 and 7. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 15-16, 21-22 and 27-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tanaka et al. (U.S. 6,845,438 B1) in view of Masui et al. (U.S. 2002/0196717 A1) and in further view of Suzuki et al. (U.S. 6,359,649 B1). Applicant respectfully traverses this rejection.

Suzuki et al. does not remedy the noted deficiencies of Tanaka in view of Masui. Suzuki et al. is only relied upon to teach dependant claim features. This reliance on Suzuki et al. fails to make up for the deficiencies of Tanaka in view of Masui discussed above with respect to independent claims 1, 5 and 7. Therefore, the asserted combination of Tanaka in view of Masui in further view of Suzuki et al. (assuming these references may be combined which applicant does not admit) fails to establish prima facie obviousness of any pending claim.

Applicant submits that claims 15-16, 21-22 and 27-28 are allowable at least by their virtue of their dependency on claims 1, 5 and 7. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

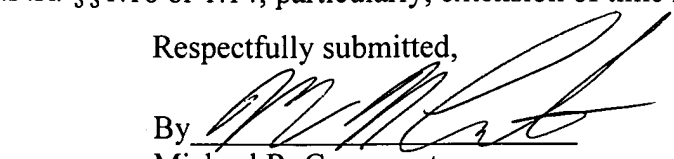
All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Date: January 23, 2008

Respectfully submitted,

By 

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